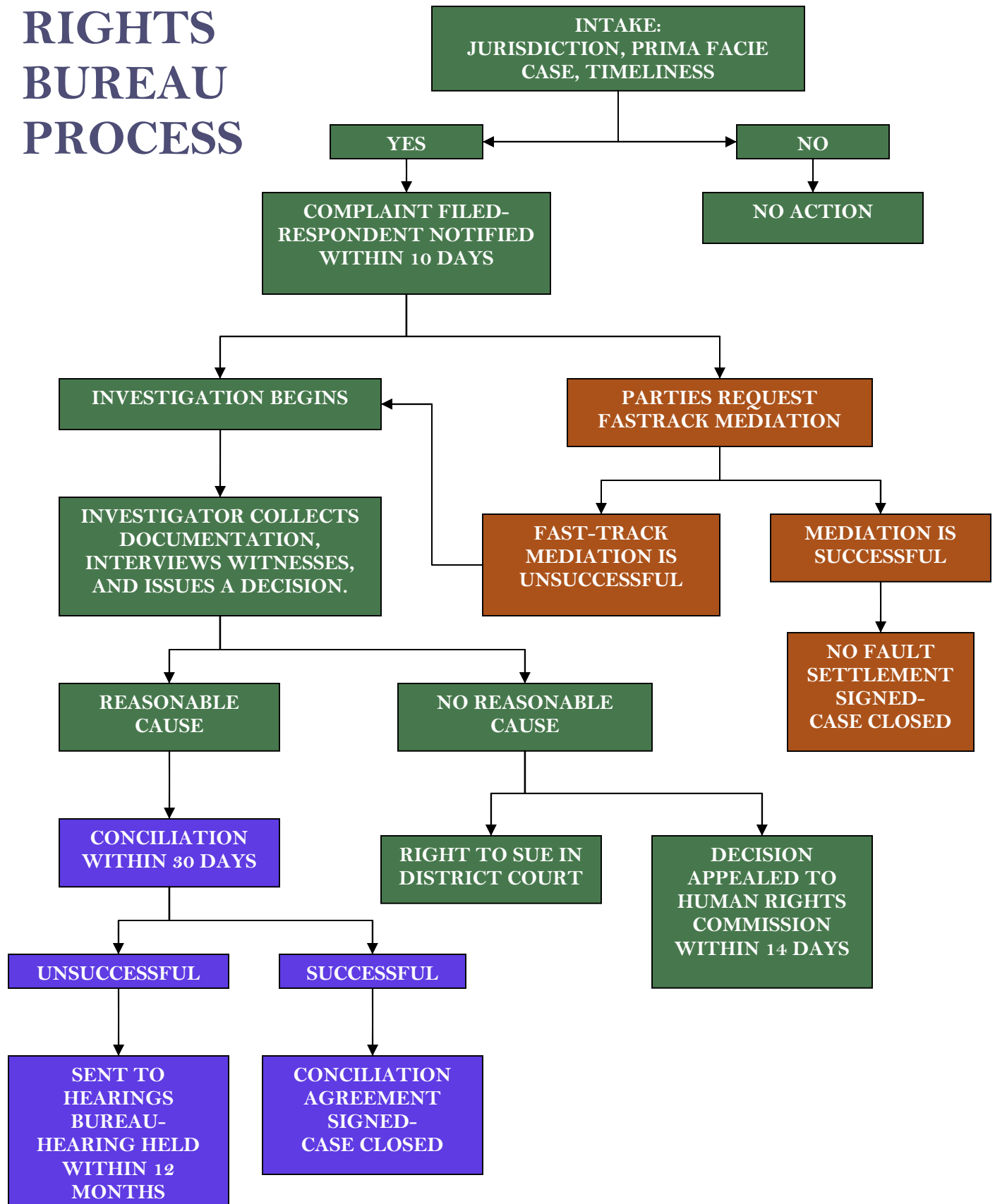


HUMAN RIGHTS BUREAU PROCESS



A Guide to the Complaint Process
Montana Human Rights Bureau
P.O. Box 1728, Helena, MT 59624-1728
1-800-542-0807

The Montana Human Rights Bureau is charged with enforcement of state laws prohibiting employment and other types of discrimination on the basis of sex, race, color, religion, national origin, age, disability, creed, political belief, familial status or marital status.

Initial Process

- Within ten (10) days of the filing of a complaint, we will send a copy of the complaint and documentation submitted with the complaint to the respondent. Within ten (10) business days of receipt of the complaint, the respondent must submit an initial answer.
- During this stage of the process, both parties have the right to request copies of any information related to the complaint, which has been filed in our office.
- Also, during this initial process, the parties may choose to voluntarily participate in fast-track mediation prior to the complaint being investigated.
- Within forty-five (45) days of the filing of the complaint, the case will be assigned to an investigator for further processing.

Investigation

- The investigator will complete a neutral, informal investigation based on the information provided by both parties. Thus, it is in both parties' best interests to provide as much information to the investigation as possible.
- By law, investigations into complaints of discrimination must be completed within 180 days from the filing date. Within that time frame, the investigator will make a finding of **reasonable cause** or **no reasonable cause** based on the preponderance of evidence in the file.
- A finding of **reasonable cause** simply means that, based on the evidence provided, it appears more likely than not that discrimination occurred.
- A finding of **no reasonable cause** means that, based on the evidence provided, it appears more likely than not that discrimination did not occur. Complaints that receive a finding of **no reasonable cause** will be dismissed and the charging party will be advised of his/her right to file a civil action in district court or appeal the decision to the Human Rights Commission.

Conciliation

- If there has been a finding of reasonable cause, the case will go to conciliation in an effort to resolve the complaint prior to an administrative hearing. Any settlements reached at this stage must include additional affirmative relief, designed to eliminate the discriminatory practice identified in the finding.
- If settlement is not reached within thirty (30) days, we will certify the case for an administrative hearing.

Hearing

- If there has been a finding of reasonable cause and settlement has not been reached, a hearing examiner will conduct a formal hearing subject to the rules of evidence and civil procedure.
- Each party must present his/her own case through witness testimony and/or documentary evidence.
- The Hearing Examiner will issue a Final Agency Decision as to whether discrimination occurred and, if discrimination is found, will award appropriate damages.

Appeals to the Commission

- Within fourteen (14) days of any decision of the Human Rights Bureau or Hearing Examiner, either party may appeal the order to the Human Rights Commission, a five-member body appointed by the Governor to hear appeals of discrimination cases.
- The Human Rights Commission will hear the appeal within 120 days of the order and issue a decision within 90 days of hearing the appeal.